

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

vs.

RICHARD BRACEY,

Defendant.

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Case No. 2:19-cr-8

MEMORANDUM ORDER

Defendant Richard Bracey moves for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). ECF 3835. After careful consideration, the Court denies the motion.

On February 12, 2021, Mr. Bracey was convicted for conspiring to launder proceeds from a drug-trafficking conspiracy. ECF 2662. The Court sentenced Mr. Bracey to 18 months of imprisonment, to run consecutively to a sentence of 30 years to life imprisonment imposed by the District of Columbia Superior Court in 1996 for first-degree murder, possession of a firearm during a crime of violence, obstruction of justice, and other crimes. *Id.* Mr. Bracey is currently serving the sentence imposed by the D.C. Superior Court at USP Lee and has not yet begun serving his sentence in this case. *See* ECF 3846-1.

In his motion, Mr. Bracey requests a sentence reduction based on (1) the D.C. Superior Court's denial of motions in which he sought to reduce his murder sentence and (2) his rehabilitation while incarcerated. ECF 3835. Mr. Bracey's request, however, is premature since he has not begun to serve his 18-month sentence in this case. *See, e.g., United States v Verasawmi*, No. 17-254, 2021 WL 2549303, at *4-5 (D.N.J. June 22, 2021) ("Although the Third Circuit has not yet decided whether a defendant must begin serving her sentence before filing a motion pursuant to 18 U.S.C. § 3882(c)(1)(A)," the court "agree[s] with the decisions holding that the defendant must begin serving her sentence before moving the Court for a reduction

in her term of imprisonment” (collecting cases)); *United States v. Konny*, No. 19-283, 2020 WL 2836783, at *2 (S.D.N.Y. May 30, 2020) (“[B]y its plain terms, [§ 3582(c)] applies only to those defendants who have begun serving their term of imprisonment at a BOP facility.”); *United States v. Tillisy*, No. , 2020 1904045, at *2 (W.D. Wash. Apr. 17, 2020) (“Defendant’s [§ 3582(c)] motion is premature. As discussed above, Defendant is currently in state custody serving state sentences, and will not enter federal custody to begin his federal sentence until those sentences are complete.”).

As a result, Mr. Bracey has not satisfied the “procedural prerequisites for judicial review,” and the Court cannot proceed to an analysis of whether “compelling and extraordinary reasons exist to justify compassionate release.” *Verasawmi*, 2021 WL 2549303, at *8.

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AND NOW, this **25th day of July, 2023**, Mr. Bracey’s motion for compassionate release (ECF 3835) is **DENIED** without prejudice. Nothing in this order precludes Mr. Bracey from renewing his motion once he begins serving his sentence in this case.

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge